

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL JOSEPH THE BOY,

Defendant.

CR-22-44-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant Paul Joseph The Boy (The Boy) has been accused of violating a condition of his supervised release. (Doc. 59) The Boy admitted to the alleged violation. The Boy's supervised release should be revoked. The Boy should be sentenced to custody until 7:00 a.m. on November 1, 2024, with 31 months of supervised release to follow. During the first 180 days of The Boy's supervised release, he shall be placed in the Great Falls Pre-Release Center, a residential reentry facility.

II. Status

The Boy pled guilty on July 6, 2022, to the offense of Possession with Intent to Distribute Fentanyl, in violation of 21 U.S.C. § § 841(a)(1), (b)(1)(C) as charged

in Count 1 of the Indictment. (Doc. 21) The Boy was sentenced to 20 months of custody, with 3 years of supervised release to follow. (Doc. 35) The Boy's current term of supervised release began on May 6, 2024.

Petition

On September 20, 2024, the United States Probation Office filed a Petition requesting that the Court revoke The Boy's supervised release. (Doc. 59) The Petition alleged The Boy violated conditions of his supervised release by: (1) failing to live in a place approved by his probation officer by failing to be present at his approved residence on September 19, 2024, and his probation officer being advised that he had not resided there for the past 30 days. Between September 20, 2024, and September 25, 2024, The Boy's whereabouts were unknown.

Initial Appearance

The Boy appeared before the Court on October 15, 2024. The Boy was represented by counsel. The Boy stated that he had read the Petition and that he understood the allegation against him. The Boy waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Boy appeared before the Court on October 15, 2024. The Boy admitted that he had violated the condition of supervised release as set forth in the Petition

by: (1) failing to live in a place approved by his probation officer by failing to be present at his approved residence on September 19, 2024, and his probation officer being advised that he had not resided there for the past 30 days. Between September 20, 2024, and September 25, 2024, The Boy's whereabouts were unknown. The Boy's admitted violation is serious and warrants revocation of his supervised release.

Sentencing hearing

The Boy appeared before the Court on October 15, 2024. The Boy's violation is a Grade C. His criminal history category is I. The Boy's underlying offense is a Class C felony. The Boy could be incarcerated for up to 24 months. The Boy could be ordered to remain on supervised release for 33 months less any custody time. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

The Boy's supervised release should be revoked. The Boy should be sentenced to custody until 7:00 a.m. on November 1, 2024, with 31 months of supervised release to follow. During the first 180 days of The Boy's supervised release, he shall be placed in the Great Falls Pre-Release Center, a residential reentry facility. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed The Boy that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed The Boy of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to The Boy that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That PAUL JOSEPH THE BOY has violated the conditions of his supervised release by: (1) failing to live in a place approved by his probation officer by failing to be present at his approved residence on September 19, 2024, and his probation officer being advised that he had not resided there for the past 30 days. Between September 20, 2024, and September 25, 2024, The Boy's whereabouts were unknown.

The Court **RECOMMENDS:**

That the District Court revoke The Boy's supervised release and sentence The Boy custody until 7:00 a.m. on November 1, 2024, with 31 months of supervised release to follow. During the first 180 days of The Boy's supervised release, he shall be placed in the Great Falls Pre-Release Center, a residential reentry facility.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of

Electronic Filing. 28 U.S.C. Section 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 16th day of October 2024.



John Johnston
United States Magistrate Judge